

STATE BAR COURT OF CALIFORNIA
HEARING DEPARTMENT – LOS ANGELES

In the Matter of)	Case Nos.: 10-O-07894 (10-O-07895;
)	10-O-07898; 10-O-07905;
LAURIE CRAIN RIGG,)	10-O-07906) - LMA
)	
Member No. 145237,)	DECISION AND ORDER OF
)	INVOLUNTARY INACTIVE
A Member of the State Bar.)	ENROLLMENT
)	
)	

Respondent Laurie Crain Rigg (respondent) was charged with 18 counts of violations of the Rules of Professional Conduct and the Business and Professions Code.¹ She failed to participate either in person or through counsel, and her default was entered. The Office of the Chief Trial Counsel (State Bar) filed a petition for disbarment under rule 5.85 of the Rules of Procedure of the State Bar.²

Rule 5.85 provides the procedure to follow when an attorney fails to participate in a disciplinary proceeding after receiving adequate notice and opportunity. The rule provides that if an attorney's default is entered for failing to respond to the notice of disciplinary charges (NDC),

¹ Unless otherwise indicated, all further references to section(s) refer to provisions of the Business and Professions Code.

² Unless otherwise indicated, all references to rules are to this source.

and the attorney fails to have the default set aside or vacated within 180 days, the State Bar will file a petition requesting the court to recommend the attorney's disbarment.³

In the instant case, the court concludes that the requirements of rule 5.85 have been satisfied, and therefore, grants the petition and recommends that respondent be disbarred from the practice of law.

FINDINGS AND CONCLUSIONS

Respondent was admitted to practice law in this state on December 11, 1989, and has been a member since then.

Procedural Requirements Have Been Satisfied

On July 5, 2011, the State Bar filed and properly served the NDC on respondent by certified mail, return receipt requested, at her membership records address. Someone other than respondent signed the return receipt on July 6, 2011. The NDC notified respondent that her failure to participate in the proceeding would result in a disbarment recommendation. (Rule 5.41.) The State Bar also contacted respondent's office on two occasions by telephone but each time was only able to leave a voice message.

Respondent failed to file a response to the NDC. On July 18 and 19, 2011, the State properly served and filed, respectively, a motion for entry of respondent's default. The motion complied with all the requirements for a default, including a supporting declaration of reasonable diligence by the State Bar deputy trial counsel declaring the additional steps taken to provide notice to respondent. (Rule 5.80.) The motion also notified respondent that if she did not timely move to set aside her default, the court would recommend her disbarment. Respondent did not file a response to the motion, and her default was entered on September 7, 2011. The order

³ If the court determines that any due process requirements are not satisfied, including adequate notice to the attorney, it must deny the petition for disbarment and take other appropriate action to ensure that the matter is promptly resolved. (Rule 5.85(E)(2).)

entering the default was served on respondent at her membership records address by certified mail, return receipt requested. Someone other than respondent signed the return receipt on September 9, 2011. The court also ordered respondent's involuntary inactive enrollment as a member of the State Bar under Business and Professions Code section 6007, subdivision (e), effective three days after service of the order, and she has remained inactively enrolled since that time.

Respondent also did not seek to have her default set aside or vacated. (Rule 5.83(C)(1) [attorney has 180 days to file motion to set aside default].) On March 16, 2012, the State Bar filed the petition for disbarment. As required by rule 5.85(A), the State Bar reported in the petition that: (1) the State Bar has not had any contact with respondent since her default was entered; (2) there are no pending disciplinary matters in the State Bar Court or any other investigations; (3) respondent has no prior record of discipline; and (4) the Client Security Fund has not paid out any claims as a result of respondent's misconduct. Respondent did not respond to the petition for disbarment or move to set aside or vacate the default. The case was submitted for decision on April 10, 2012.

The Admitted Factual Allegations Warrant the Imposition of Discipline

Upon entry of respondent's default, the factual allegations in the NDC are deemed admitted and no further proof is required to establish the truth of such facts. (Rule 5.82.) As set forth below in greater detail, the factual allegations in the NDC support the conclusion that respondent is culpable as charged, except as otherwise noted and, therefore, violated a statute, rule or court order that would warrant the imposition of discipline. (Rule 5.85, subd. (E)(1)(d).)

1. Case Number 10-O-07894 (Daga Matter)

Count One – respondent willfully violated rule 3-110(A) of the Rules of Professional Conduct (failing to perform legal services with competence) by not updating corporate records

on behalf of his client and his client's company, and by not providing any legal services on his client's behalf.

Count Two – the court does not find respondent culpable of willfully violating rule 3-700(D)(1) of the Rules of Professional Conduct (failure to return client papers/property) as there is no clear and convincing evidence that Stewart Levin was working on behalf of the client when he requested the return of the client's file.

Count Three – respondent willfully violated section 6068, subdivision (i) (failing to cooperate/participate in a disciplinary investigation) by not providing a written response to the allegations in the Daga matter or otherwise cooperating in the investigation of the Daga matter.

2. Case Number 10-O-07895 (Ramos Matter)

Count Four – respondent willfully violated rule 3-110(A) of the Rules of Professional Conduct by not updating the corporate records on behalf of her client and by not providing any legal services on her client's behalf.

Count Five – respondent willfully violated rule 3-700(D)(1) of the Rules of Professional Conduct by not returning corporate records to her client, at her client's request, upon termination of her employment.

Count Six – respondent willfully violated rule 3-700(D)(2) of the Rules of Professional Conduct (failing to promptly refund unearned fees) by failing to refund any portion of the \$1,000 in advanced fees received from her client.

Count Seven – respondent willfully violated section 6068, subdivision (i) by not providing a written response to the allegations in the Ramos matter or otherwise cooperating in the investigation of the Ramos matter.

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3. Case Number 10-O-07898 (McKee Matter)

Count Eight – respondent willfully violated rule 3-110(A) of the Rules of Professional Conduct by not filing a change of ownership or updating the corporate records on her client’s behalf.

Count Nine – respondent willfully violated rule 3-700(D)(1) of the Rules of Professional Conduct by not returning the corporate file to her client, at her client’s request, upon termination of her employment.

Count Ten – respondent willfully violated rule 3-700(D)(2) of the Rules of Professional Conduct by failing to refund any portion of the \$780 in advanced fees received from her client.

Count Eleven – respondent willfully violated section 6068, subdivision (i) by not providing a written response to the allegations in the McKee matter or otherwise cooperating in the investigation of the McKee matter.

4. Case Number 10-O-07905 (Grimes Matter)

Count Twelve – respondent willfully violated rule 3-110(A) of the Rules of Professional Conduct by not updating her client’s living trust.

Count Thirteen – respondent willfully violated rule 3-700(D)(2) of the Rules of Professional Conduct by failing to refund any portion of the \$2,500 in advanced fees received from her client.

Count Fourteen – respondent willfully violated section 6068, subdivision (i) by not providing a written response to the allegations in the Grimes matter or otherwise cooperating in the investigation of the Grimes matter.

5. Case Number 10-O-07906 (Universal Gems/Jain Matter)

Count Fifteen – respondent willfully violated rule 3-110(A) of the Rules of Professional Conduct by not updating the corporate records for her client.

Count Sixteen – respondent willfully violated rule 3-700(D)(1) of the Rules of Professional Conduct by not returning the client file to her client’s corporate secretary or any other company representative, at her client’s request, upon termination of her employment.

Count Seventeen – respondent willfully violated rule 3-700(D)(2) of the Rules of Professional Conduct by failing to refund any portion of the \$1,000 in advanced fees received from her client.

Count Eighteen – respondent willfully violated section 6068, subdivision (i) by not providing a written response to the allegations in the Jain matter or otherwise cooperating in the investigation of the Jain matter.

Disbarment is Mandated under the Rules of Procedure

Based on the above, the court concludes that the requirements of rule 5.85(E) have been satisfied, and respondent’s disbarment must be recommended. In particular:

- (1) the NDC was properly served on respondent under rule 5.25;
- (2) reasonable diligence was used to notify respondent of the proceedings prior to the entry of her default, as the State Bar filed and properly served the NDC on respondent, and the State Bar contacted respondent’s office on two occasions by telephone and left a voice message each time;
- (3) the default was properly entered under rule 5.80; and
- (4) the factual allegations in the NDC deemed admitted by the entry of the default support a finding that respondent violated a statute, rule or court order that would warrant the imposition of discipline.

Despite adequate notice and opportunity, respondent failed to participate in this disciplinary proceeding. As set forth in the Rules of Procedure of the State Bar, the court must recommend her disbarment.

RECOMMENDATION

Disbarment

The court recommends that respondent Laurie Crain Rigg be disbarred from the practice of law in the State of California and that her name be stricken from the roll of attorneys.

Restitution

The court also recommends that respondent be ordered to make restitution to the following payees:

(1) Fred Ramos in the amount of \$1,000 plus 10 percent interest per year from August 12, 2009;

(2) Brett M. McKee in the amount of \$780 plus 10 percent interest per year from August 1, 2009;

(3) Glenn C. Grimes in the amount of \$2,500 plus 10 percent interest per year from August 17, 2009; and

(4) Universal Gems of California, Inc. in the amount of \$1,000 plus 10 percent interest per year from July 13, 2009.

Any restitution owed to the Client Security Fund is enforceable as provided in Business and Professions Code section 6140.5, subdivisions (c) and (d).

Rule 9.20

The court also recommends that respondent be ordered to comply with the requirements of rule 9.20 of the California Rules of Court, and to perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 days, respectively, after the effective date of the Supreme Court order in this proceeding.

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Costs

The court further recommends that costs be awarded to the State Bar in accordance with Business and Professions Code section 6086.10, such costs being enforceable both as provided in Business and Professions Code section 6140.7 and as a money judgment.

ORDER OF INVOLUNTARY INACTIVE ENROLLMENT

In accordance with Business and Professions Code section 6007, subdivision (c)(4), the court orders that Laurie Crain Rigg, State Bar number 145237, be involuntarily enrolled as an inactive member of the State Bar of California, effective three calendar days after the service of this decision and order. (Rules Proc. of State Bar, rule 5.111(D).)

Dated: June _____, 2012

LUCY ARMENDARIZ
Judge of the State Bar Court